

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.9.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1997 of 2018

and

C.M.P.No.15852 of 2018

1 THE GOVERNMENT OF TAMIL NADU
REP.BY ITS SECRETARY
EDUCATION DEPARTMENT
FORT ST. GEORGE CHENNAI-600 009

2 THE DIRECTOR OF SCHOOL
EDUCATION
COLLEGE ROAD MADRAS-600 006

3 THE JOINT DIRECTOR
SCHOOL EDUCATION
HIGHER SECONDARY
D.P.I. COMPOUND COLLEGE ROAD
CHENNAI-600 006

4 THE CHIEF EDUCATIONAL OFFICER
GANDHI MAGAR
THIRUVANNAMALAI -606 601

5 THE DISTRICT EDUCATIONAL
OFFICER
GANDHI NAGAR 6TH STREET
THIRUVANNAMALAI

... Appellants

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Versus

1 M.RAMESH

2 V.D.S. JAIN HIGHER SECONDARY
SCHOOL

GANDHI NAGAR 8TH STREET
TIRUVANNAMALAI

REP.BY SECRETARY/CORRESPONDENT

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 5.2.2018 passed in W.P.No.21000 of 2012 on the file of this court.

W.P.No.21000 of 2012:

Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 3 to upgrade the post of Physical Education Teacher held by the petitioner in the sixth respondent school to the post of Physical Director Grade-I from the year 1996 the day when the petitioner qualified himself with post graduation of degree in Physical Education or from 29.12.1997 the date of G.O.Ms.No.525 as this Honourable Court deems fit and correct with seniority and all attendant benefits

For appellant : Mr.C.Munusamy
Special Government Pleader (Edu)

For R1 : Mr.C.Johnson
Caveator counsel

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants and Mr.C.Johnson, learned counsel, who takes notice on behalf of the first respondent.

2. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge in directing appellants 1 to 3 to pass orders on the recommendation of the 4th appellant dated 18.5.2010 by upgrading the post of Physical Education Teacher held by the writ petitioner in the second respondent school to the post of Physical Director Grade-I with effect from 29.12.1997 being the date of G.O.Ms.No.525 School Education Department.

3. It appears that the first respondent herein, being a Physical Education Teacher in the second respondent School from the year 1993, having acquired necessary qualification, sought for upgradation of his post as Physical Director Grade-I and the same recommended by the authorities to the Government, however, finding that there was no response for the same, he had moved the writ petition.

4. The learned Single Judge, on appreciating the undisputed factual aspects that the students strength of the second respondent school is more than 1000 and having found that as per the ratio laid down in G.O.Ms.No.525 School Education Department dated 29.12.1997, directed for upgradation of the post of Physical Education Teacher held by the writ petitioner to the post of Physical Director Grade-I.

5. Having heard the learned counsel appearing for the parties and perused materials available on record, we find that the learned Single Judge, has considered the relevant Government Orders in their right perspective and directed for upgradation of the post. We do not find any illegality or infirmity in the order passed by the learned Single Judge. It is for the appellants to comply with the order passed by the learned Single Judge even by creating necessary post and so far as payment of salary is concerned it shall be made as per law. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1 THE SECRETARY
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+1cc to Mr.C.Johnson, Advocate, S.R.No.65443

+1cc to the Government Pleader, S.R.No.65847

W.A.No.1997 of 2018

VD(CO)
GSP(02/11/2018)



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